



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,662	11/13/2003	Lawrence Page	16113-1308001	9861

26192 7590 10/09/2008  
FISH & RICHARDSON P.C.  
PO BOX 1022  
MINNEAPOLIS, MN 55440-1022

EXAMINER
----------

DURNFORD GESZVAIN, DILLON

ART UNIT	PAPER NUMBER
----------	--------------

2622

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

10/09/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/713,662	<b>Applicant(s)</b> PAGE ET AL.	
	<b>Examiner</b> Dillon Durnford-Geszvain	<b>Art Unit</b> 2622	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 June 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8, 10-18 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 10-18 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Response to Amendment***

1. Claims **1-8, 10-18** and **20**.

***Response to Arguments***

Applicant's arguments filed 1/22/2008 have been fully considered but they are not persuasive. The Applicant argues that Ard does not provide or suggest providing separate high speed data interfaces nor does Ard provide multiple flash cards. The Examiner maintains that the limitation of a high speed data interface is broad because it is not clear from the claim how fast high speed is or what low speed would be. However, it is moot as the Applicant has written claim **1** in the alternative and therefore the limitation of a high speed data interface need not be addressed. As to whether Ard teaches first and second flash memory cards, the Examiner conceded in the previous Office Action that Ard does not teach first and second high speed memory cards. The Examiner took Official Notice, in the section labeled 6., that it was old and well known to provide a flash memory card to a camera and to provide other flash memory cards that can be used if the first cards become full. Therefore, the rejection will be maintained and the use of such memory cards will now be considered old and well known. See MPEP 2144. 03 (c).

***Claim Rejections - 35 USC § 112***

2. Claims **1-8** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

3. Claim **1** recites the limitation "wherein **each of the cameras** includes at least one of: ... a first and second flash memory card, the first and second cameras being configured to store captured images to the first and second flash memory cards, respectively." (Emphasis added). First, the Examiner can not find support for each camera containing two memory cards. In fact it is clear from Fig. 2 and paragraph [0026] that the cameras each contain just one flash memory card. Second, assuming that there were support for the previous limitation, there is not support for the first camera storing data to the memory card in the second camera.

For the sake of expediency the Examiner will assume that the limitation of a first and second memory card was intended to read as the limitation read in claim **10**.

4. Claims **2-8** are rejected as depending from claim **1**.

#### ***Claim Rejections - 35 USC § 103***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims **1-5, 7, 10-15, 17** and **20** rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,777,660 (Ard) in view of the Examiners Official Notice.

Art Unit: 2622

As to claim 1, Ard teaches an imaging system for imaging a bound document, comprising:

a support (comprising 40 and 42, see Fig. 1) for holding an open bound document thereon, the bound document having two opposing sides generally facing away from the support (see Fig. 1);

a first camera 140 (see Fig. 5) positioned to capture an image of a first opposing side of the bound document (see Fig. 1), the first camera having an image capture size approximately the size of the first opposing side (note that this limitation is given little weight as it is not made clear how close the size would have to be for it to be approximately the size of the side), the first camera being configured to store the captured image of the first opposing side (not disclosed but necessary as the document is being scanned);

a second camera 142 positioned to capture an image of a second opposing side of the bound document, the second camera having an image capture size approximately the size of the second opposing side (note that this limitation is given little weight as it is not made clear how close the size would have to be for it to be approximately the size of the side), the second camera being configured to store the captured image of the second opposing side (not disclosed but necessary as the document is being scanned); and

Ard does not teach that the cameras contain memory cards.

However, the Examiner takes Official Notice that it was old and well known at the time the invention was made to provide a flash memory card in a camera and to provide

Art Unit: 2622

other flash memory cards that can be used if the first cards become full. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the first and second cameras of Ard with flash memory devices for storing the captured images and provided additional memory cards for swapping if the first cards became full as this provides a cost effective method of storing captured images.

As applicant has failed to traverse the above old and well known statements of claim **1**, providing a flash memory card in a camera and providing other flash memory cards that can be used if the first cards become full are now considered admitted prior art. See MPEP 2144. 03 (c).

7. As to claim **2**, see the rejection of claim **1** and note that Ard further teaches that the imaging system of claim **1**, further comprising a controller for controlling the image capturing by the cameras (Column 3 lines 57-59).

8. As to claim **3**, see the rejection of claim **1** and note that Ard further teaches the imaging system of claim **1**, further comprising: a first flash 132 associated with the first camera for selectively lighting the first opposing side simultaneous with the first camera 140 capturing the image of the first opposing side (see Fig. 5); and

a second flash associated with the second camera for selectively lighting the first opposing side simultaneous with the second camera 142 capturing the image of the

Art Unit: 2622

second opposing side (see Fig. 5).

9. As to claim **4**, see the rejection of claim **1** and note that Ard further teaches the imaging system of claim **1**, further comprising a light absorbing page (120 and 122) being positioned between the first opposing side and the second opposing side (see Fig. 5 and note that all materials absorb at least some light).

10. As to claim **5**, see the rejection of claim **4** and note that Ard further teaches the imaging system of claim **4**, further comprising a positioner (not shown but the mechanism that moves head 12) for positioning the light absorbing page (120 and 122), the positioner having a first position for positioning the light-absorbing page over the first opposing side and a second position for positioning the light-absorbing page over the second opposing side (see Fig. 5 and note that the first and second positions are offset by what appears to be an acute angle).

11. As to claim **7**, see the rejection of claim **1** and note that Ard further teaches the imaging system of claim **1**, wherein the cameras are high definition cameras (note that this is a term of degree and it is not clear from the claims what the cut-off is for a camera being considered high definition, but for example, see Column 4 lines 46 to 67 of Ard).

Art Unit: 2622

12. As to claim **9**, see the rejection of claim **1** and note that Ard does not teach specifically that captured images are transferred from each camera to a memory device it is inherent for the cameras to store the captured images in a memory device as if the images were not stored on a memory device the device would be useless for scanning books as it would simply capture images of successive pages and then destroy said image when a next picture is taken. Note further that the use of “high speed data interface” is given little weight as the claim does not delineate what is and is not high speed.

13. As to claim **10**, see the rejection of claim **1** and note that the rejection of claim **1** covers claim **10** as well.

14. Claims **11-15**, **17** and **20** are method claims that correspond to the apparatus claims **1-5**, **7** and **10** and are therefore rejected on the same grounds as claims **1-5**, **7** and **9** but drawn to a method instead of an apparatus.

15. Claims **6** and **16** are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,777,660 (Ard) in view of the Examiner’s Official Notice further in view of US 6,491,278 (Thomsen).

As to claim **6**, see the rejection of claim **1** and note that Ard does not explicitly teach that the bound document is tilted at an angle toward an operator. However Thomsen teaches a support for a notebook that is tilted at an angle towards a user



Art Unit: 2622

because this provides for more friendly access by a user (see Fig. 1). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have tilted the open bound document towards an operator as this is allows for more friendly access by an operator (Column 2 lines 65-67).

16. Claim **16** is a method claim that corresponds to the apparatus of claim **6** and is therefore rejected on the same grounds as claim **6** but drawn to a method instead of an apparatus.

17. Claims **8** and **18** are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,777,660 (Ard) in view of the Examiner's Official Notice further in view of US 2,406,152 (Levine).

As to claim **8**, see the rejection of claim **1** and note that although Ard teaches an operator handle 90 with the scan button on located thereon it is not taught that the scan button can be a foot pedal. However, Levine teaches a camera that operates with a foot pedal because the operator's hands are otherwise occupied (see Fig. 1 and Column 4 lines 39-59). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have made the placed the scan button on a foot pedal as this would free the hands to perform other tasks.

18. Claim **18** is a method claim that corresponds to the apparatus of claim **8** and is therefore rejected on the same grounds as claim **8** but drawn to a method instead of an

Art Unit: 2622

apparatus.

### ***Conclusion***

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dillon Durnford-Geszvain whose telephone number is (571)272-2829. The examiner can normally be reached on Monday through Friday 8 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2622

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dillon Durnford-Geszvain

10/1/2008

/David L. Ometz/

Supervisory Patent Examiner, Art Unit 2622